

# **Title IX Procedures**

Anyone who believes they have been subjected to dating violence, domestic violence, stalking or sexual discrimination and harassment is encouraged to report these incidents. Upon receiving a report, Florida National University will respond promptly, equitably, and thoroughly. In addition, the University will take steps to accommodate the student(s) academically.

Consistent with its commitment to addressing Title IX incidents, the University has grievance procedures that specify actions taken regarding Title IX complaints. All student complaints will be received by FNU's Title IX coordinator in the office of Student Services. Any University official (e.g., faculty member, staff member, dean, etc.) informed of an allegation is required to file a report with the Title IX coordinator.

## **DEFINITIONS AND EXAMPLES**

Title IX is a Federal Law that prohibits sex discrimination against students and employees of educational institutions. It comprises a broad range of behaviors focused on sex and/or gender discrimination that may or may not be sexual in nature. These behaviors include Sexual harassment, sexual assault, sexual exploitation, gender-based harassment, stalking, dating violence and domestic violence.

### **Examples of Sex and gender-based misconduct**

- Pressure for a date or a romantic or intimate relationship
- Unwelcome touching, kissing, hugging, or massaging
- Pressure for or forced sexual activity
- Unnecessary and unwelcome references to various parts of the body
- Belittling remarks about a person's gender or sexual orientation based on gender stereotyping
- Inappropriate sexual innuendoes or humor
- Videotaping and photographing activity of a sexual or personal nature without consent of those being recorded
- Obscene gestures of a sexual or gender-based nature
- Sexually explicit profanity
- Use of email, the Internet, or other forms of digital media to facilitate any of the above referenced behaviors

If a person is impaired or incapacitated as to respond to a sexual conduct or invitation, it is considered unwelcomed as long as the respondent knew about the person condition. Also if the person is unconscious or under the influence of alcohol or drugs and impaired to respond.

## **Filing a Report**

Any report of alleged Title IX misconduct by a student, member of the faculty, staff or administration of Florida National University can be filed with the Title IX Coordinator, or Human Resources. Students should be advised that the Title IX Coordinator is obligated to act on any report of alleged sex and gender-based misconduct, to ensure measures are taken to stop adverse behavior and prevent its recurrence, as appropriate. It is important to note, however that not every report leads to a disciplinary process. Each report is reviewed individually. The University makes every effort to protect the privacy of all individuals involved in such reporting or investigation, yet it cannot always be guaranteed depending on the nature of the incident.

Reports can be filed anonymously, yet this condition may make more difficult to conduct an investigation and in some case not possible to come up to conclusive results.

## **Complaints against Students, Staff or Faculty**

Reports of alleged misconduct by a student, staff or faculty should be filed with:

### **Florida National University - Title IX Coordinator**

11865 SW 26th St Ste. H-3

Miami, FL 33175

#### **Bernardo Navarro**

South Campus Assistant Dean

Room # 205 C

Ph. # 305-226-9999 Ext. 1339

[navarro@fnu.edu](mailto:navarro@fnu.edu)

### **Hialeah Campus - Title IX Deputies**

4425 W. Jose Regueiro (20th) Ave.

Hialeah, Florida 33012

#### **Silvia Borges**

Job Developer

Ph. (305) 821-3333 Ext. 1075

[sborges@fnu.edu](mailto:sborges@fnu.edu)

**Human Resources (Employees)**

Ph. (305) 821-3333 Ext. 1073 & 1098

[humanresources@fnu.edu](mailto:humanresources@fnu.edu)

**Training Center Title IX Deputy**

4206 W. 12 Ave.

Hialeah, Florida 33012

**Jose Luis Valdes**

Campus Dean

Ph. (305) 821-3333 Ext. 1028

[jvaldes@fnu.edu](mailto:jvaldes@fnu.edu)

**South Campus Title IX Deputy**

11865 SW 26th St Ste. H-3

Miami, FL 33175

**Bernardo Navarro**

South Campus Assistant Dean

Room # 205 C

Ph. # 305-226-9999 Ext. 1339

[navarro@fnu.edu](mailto:navarro@fnu.edu)

**Online Learning - Title IX Deputy**

4425 W. Jose Regueiro (20th) Ave.

Hialeah, Florida 33012

**Dr. Emry Somnarain**

Director of Online Learning

(305) 821-3333 Ext. 1066

[esomnarain@fnu.edu](mailto:esomnarain@fnu.edu)

**Investigation**

Reports of alleged Title IX incidents will be investigated in a thorough, impartial, and prompt fashion. Directly following the conclusion of the investigation, a determination of whether or not to proceed to the next step will be made by the Title IX Coordinator. This determination will be based on whether reasonable cause exists to believe that a policy violation may have occurred. If sufficient information exists to proceed to the next step, the Title IX coordinator will include administration to take further action. In case of a faculty or staff member the department of Human Resources will take the action needed.

**Confidentiality**

Confidentiality can be maintained up to the extent allowed by federal law. The name of the person reporting may be kept confidential, but the incident has to be reported to the Office of Student Services so it may be included in the crime log and the annual security report without disclosing the person's name or any other information that would lead to identify the person and/or infringe on his/her confidentiality. If the situation cannot be resolved without disclosing the name of the complainant or the situation is not appropriate to this type of arrangement then the name of the complainant may have to be disclosed in order to conduct an investigation.

Complaints against students are protected under the Family Education Rights and Privacy Act, and may be disclosed for legitimate educational purposes within the university. To share the information out of the university the complainant would have to give explicit permission for the information to be shared through the Disclose of Information Form available at the FNU Publications webpage and at the Office of the Registrar's.

Complainants have to be notified of the possible extent of the Confidentiality policy and it is recommended to the students to ask what would mean this policy in terms of the disclosing of their identity when filling a complaint or disclosing a crime.

Crimes or serious incidents may also be reported to individuals and officials having significant responsibility for students or campus activities, (i.e., Division Heads and Department Heads, Program Directors, Student Services Director and Officers, Faculty, Academic Advisors, Director of Athletics, Coaches, Director of Human Resources, etc.). These individuals also allow victims and witnesses to report crimes on a voluntary, confidential basis providing that they are in compliance with the requirements of this policy.

Medical records are meant to be confidential and medical and health professionals are required to keep confidentiality in regards to the patient's information.

## **Interim Measures**

Once an individual has come forward with a concern of an incident, or the Title IX Coordinator is otherwise made aware of such a concern; the University will promptly take steps to ensure that the Complainant and the Respondent have equal access to the University's educational programs and activities and to protect the Complainant and the Respondent as necessary, including taking Interim Measures before the final outcome of an investigation.

Interim Measures are determined on a case-by-case basis and may include schedule accommodations, academic accommodations, no-contact directives, stay-away letters/campus bans, escorts, limitations on extracurricular or athletic activities, and removal from the University community.

## **Title IX Coordinator Investigation Procedure**

1. The Title IX Coordinator will oversee the collecting of facts related to any reported Title IX incident and will assess whether a further review or investigation is necessary.
2. Identify University policies and Student Conduct Code relevant to the complaint.
3. Conduct an impartial investigation into complaints including identifying and interviewing parties involved with the grievance. Title IX Coordinator will notify and interview complainants, respondents, and witnesses.
4. The Title IX Coordinator will collaborate with other staff or faculty members to manage accommodations, as needed.

## **Resolution**

1. Florida National University seeks to resolve all Title IX reports within sixty (60) days, unless it is referred to Local Law Enforcement. .
2. Depending on the grievance, the situation can be handled with disciplinary action or referred to Local Law Enforcement.
3. The Title IX Coordinator will notify in written the complainant and the respondent the results of the investigation and the actions that will be taken.

## **Retaliation**

Retaliation is prohibited at the University against any person who in good faith make a complaint of discrimination, harassment, sexual violence, sexual misconduct, or participate as a witness. It is unlawful pursuant to Title IX and other laws.